IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1536 OF 2005
IN
SIT NO.3097 OF 2004

Ajit Maruti Naik & others Plaintiffs

versus

Canara Bank and another Defendants

Mr.P.G.Lad for plaintiffs.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th June 2006

PC :

1. Shri Lad appearing for the plaintiff states that the Chamber Summons is duly served on the defendants. Affidavit proving service has been filed. The advocate appearing for the second defendant has failed to remove the office objection and therefore, her Vakalatnama has not been accepted. None is present though Chamber Summons is served. There is no affidavit in reply as well.

2. Suit No.3097 of 1994 in which this Chamber

Summons is instituted for a declaration that the fixed deposit receipt of the first defendant bank form part of the estate of deceased Maruti Naik.

3. The second defendant is daughter of plaintiff no.1. The Chamber Summons is served on her as well as first defendant bank. From a reading of the affidavit in support it is apparent that certain particulars are sought to be incorporated to substantiate the claim for declaration. The amendment does not change the cause of action nor can be said to be vitiated by lack of bona fides. In these circumstances and keeping all contentions of parties on merits as well as on limitation open, present Chamber Summons is allowed in terms of prayer clause (a).

(S.C.DHARMADHIKARI, J.)